

MICHAEL J. GARCIA  
 United States Attorney for the  
 Southern District of New York  
 By: HEATHER K. McSHAIN (HM-5883)  
 Assistant United States Attorney  
 86 Chambers Street, 3<sup>rd</sup> Floor  
 New York, New York 10007  
 Tel. (212) 637-2696

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

- - - - -	-x	
TIA WALKER, as Mother and Natural	:	
Guardian of MAHOGANY GREEN,	:	ECF Case
	:	
Plaintiff,	:	07 Civ. 3548 (LAK)
	:	
- against -	:	<u>DECLARATION OF</u>
	:	<u>HEATHER K. McSHAIN</u>
THROGS NECK MULTI CARE, P.C.,	:	
GEORGE BERTERO, M.D., LOUIS ROSE,	:	
M.D., OUR LADY OF MERCY MEDICAL	:	
CENTER, SOUNDVIEW HEALTH CENTER,	:	
DAWN DAWSON, M.D., and BHAGWANT	:	
GILL, M.D.,	:	
	:	
Defendants.	:	
- - - - -	-x	

I, Heather K. McShain, pursuant to 28 U.S.C. § 1746,  
 declare under penalty of perjury as follows:

1. I am the Assistant United States Attorney assigned to  
 handle the above case and am fully familiar with all the facts  
 stated herein. I make this declaration in support of the motion  
 to substitute the United States as defendant in place of  
 defendants Soundview Health Center and Dawn Dawson, M.D., and to  
 dismiss the complaint as against the United States.

2. Attached hereto as Exhibit A is a true and correct  
 copy of plaintiff's complaint filed in New York Supreme Court,  
 County of Bronx, Index No. 16771/05, on or about June 15, 2005.

3. Attached hereto as Exhibit B is a true and correct copy of the Notice of Removal filed in this action on May 3, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
May 10, 2007

**/s/ Heather K. McShain**  
HEATHER K. McSHAIN (HM-5883)  
Assistant United States Attorney